IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 14256 of 2004(V)

PETITIONERS:
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1. **KRISHNAN,**
   S/O. LATE KUNHAPPA BELCHAPPADA, R/AT KUNTAR IN ADHUR VILLAGE, P.O. KUNTAR, KASARAGOD TALUK AND DISTRICT.

2. **SMT.VELLACHI,**
   D/O. LATE KUNHAPPA BELCHAPPADA, RESIDING -DO- -DO-

3. **KARTHYAYANI,**
   D/O. LATE KUNHAPPA BELCHAPPADA,
   RESIDING AT -DO- -DO-.

4. **KUNHIKANNAN,**
   S/O. LATE KUNHAPPA BELCHAPPADA,
   RESIDING AT -DO- -DO-.

5. **SMT.JAYA,**
   D/O. LATE KUNHAPPA BELCHAPPADA,
   RESIDING AT -DO- -DO-.
   (PETITIONERS 2 TO 5 ARE REP.BY THE 1ST PETITIONER KRISHNAN, THE REGISTERED GENERAL POWER OF ATTORNEY HOLDER).

BY ADV. SRI.T.SETHUMADHAVAN,
SRI.PUSHPARAJAN KODOTH,
SRI.K.JAYESH MOHANKUMAR.

RESPONDENTS:
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1. **THE GOVERNMENT OF KERALA,**
   REPRESENTED BY THE SECRETARY,AGRICULTURAL DEPARTMENT, THIRUVANANTHAPURAM.

W.P.(C). NO.14256/2004:

2. THE COMMISSIONER FOR LAND REVENUE,
THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR, KASARAGOD.

4. THE TAHSILDAR (LA), KASARAGOD.

5. THE CASHEW DEVELOPMENT OFFICER,
NEAR KAMATH NURSING HOME, KASARAGOD.

BY GOVERNMENT PLEADER SMT. N. SUDHADEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

W.P.(C). NO.14256/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PURCHASE CERTIFICATE DT. 18/10/1975 ISSUED BY THE LAND TRIBUNAL, KASARAGOD.

EXT.P.2: COPY OF THE OBJECTIONS DT. 12/02/2000 FILED BY PETITIONERS BEFORE THE R.3.

EXT.P.3: COPY OF THE OBJECTIONS DT. 19/01/2001 FILED BY THE P.1. BEFORE THE R.4.

EXT.P.4: COPY OF THE NOTICE DTD. 28/06/2001 ISSUED BY THE R.4. TO THE PETITIONERS.

EXT.P.5: COPY OF THE OBJECTIONS FILED BY THE P.5 BEFORE THE R.4. DT. 12/07/2001.

EXT.P.6: COPY OF THE OBJECTIONS FILED BY THE PETITIONERS BEFORE THE R.1. DTD. 25/03/2002.

EXT.P.7: COPY OF THE OBJECTIONS FILED BY THE PETITIONERS BEFORE THE R.2. DTD. 30/09/2002.

EXT.P.8: COPY OF THE PETITION FILED BY THE PETITIOENRS BEFORE THE R.4. DTD. 16/06/2003.

EXT.P.9: COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE THE R.3. DTD. 27/04/2003.

EXT.P.10: COPY OF THE NOTICE DTD. 16/01/2004 ISSUED BY THE R.4. TO THE PETITIONERS.

EXT.P.11: COPY OF THE NOTICE DTD. 16/04/2004 ISSUED BY THE R.4. TO THE PETITIONERS.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH , J

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W.P.(C) NO. 14256 OF 2004

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Dated this the 10th day of August, 2007.

JUDGMENT

The writ petition is filed with the following prayers:

i. issue a writ of certiorari or any other appropriate writ order or direction, quashing Exhibits P4, P10 and P11.

ii. issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents not to evict the petitioners from R.S. No. 263/04 of Adhur village of Kasaragod Taluk in the light of Exhibit P10.

iii. declare that the petitioners' property in R.S. No.263/04, an extent of 0.0800 cents of Adhur Village of Kasaragod Taluk is not liable to be acquired.

2. In view of the intervening developments, it is submitted that, the 3rd respondent may be directed to consider Ext.P9. There will be a direction to the 3rd respondent to to look into Ext.P9 with notice to the petitioners and 5th respondent and pass appropriate orders thereon expeditiously. The status quo as on today will continue till such time.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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